

IRELL & MANELLA LLP

840 NEWPORT CENTER DRIVE SUITE 400
NEWPORT BEACH CA 92660 6324
TELEPHONE (949) 760-0891
FACSIMILE (949) 760-5200

1600 AVENUE OF THE STARS, SUITE 900
LOS ANGELES, CALIFORNIA 90067-4276

TELEPHONE (310) 277-1010
FACSIMILE (310) 203-7199
WEBSITE www.irell.com

WRITER'S DIRECT
RSchwartz@irell.com

June 3, 2016

VIA ECF FILING

The Honorable John G. Koeltl
United States District Judge
Daniel Patrick Moynihan Courthouse
500 Pearl St.
New York, NY 10007-1312

*Plaintiffs should respond
to this letter by June 13, 2016.
So ordered. per 6/Kreller
6/6/16 - J.S.D.*

Re: ABS Entertainment, Inc., et al v. CBS Corporation, et.al,
Case No. 15-cv-06801 (JGK)

Dear Judge Koeltl:

We represent Defendants CBS Corporation and CBS Radio, Inc. (collectively, "CBS"). This follows up on our June 1 letter (Dkt. 118) in which we advised the Court that, in the action plaintiffs filed against CBS in the Central District of California, *ABS Entertainment, Inc., et al v. CBS Corporation, et. al.*, Case No. 15-cv-06257 PA (AGRx), the Court there granted CBS's motion for summary judgment. We attached a copy of the order to the letter.

Since then, the Clerk of that Court has given the parties notice that it entered judgment in favor of CBS on June 1, and served a copy of the judgment. We attach a copy of the judgment as Exhibit 1 here.

This judgment has preclusive effect on the issues raised in CBS's pending Motion for Summary Judgment (Dkt. No. 80). *See Proctor v. LeClaire*, 715 F.3d 402, 414 (2d Cir. 2013) (collateral estoppel bars litigation of an issue when "(1) the identical issue was raised in a previous proceeding; (2) the issue was actually litigated and decided in the previous proceeding; (3) the party had a full and fair opportunity to litigate the issue; and (4) the resolution of the issue was necessary to support a valid and final judgment on the merits.").

Respectfully submitted,

By: 

Robert M. Schwartz

KELLEY DRYE & WARREN LLP
Michael C. Lynch (SBN: 2878908)
James B. Saylor (SBN: 5128699)
Attorneys for Defendants

IRELL & MANELLA LLP
Robert M. Schwartz (*pro hac vice*)
Victor Jih (*pro hac vice*)
Andrew J. Strabone (*pro hac vice*)
Amit Gressel (*pro hac vice*)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 6/6/16

Exhibit 1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ABS ENTERTAINMENT INC.;
BARNABY RECORDS, INC.;
BRUNSWICK RECORD
CORPORATION; MALACO INC.,

Plaintiffs,

v.

CBS CORPORATION; CBS RADIO
INC.,

Defendants.

No. CV 15-6257 PA (AGRx)

JUDGMENT

In accordance with the Court's May 30, 2016, Minute Order granting defendants CBS Corporation and CBS Radio Inc.'s (collectively "Defendants") Motion for Summary Judgment, the Court has resolved all of the claims pending in this action.

It is therefore now ORDERED, ADJUDGED, and DECREED that judgment is entered in this action as follows:

1. Plaintiffs ABS Entertainment Inc., Barnaby Records, Inc., Brunswick Record Corporation, and Malaco Inc.(collectively "Plaintiffs") shall recover nothing from Defendants on Plaintiffs' claims for relief;

2. Defendants shall have judgment in their favor on Plaintiffs' claims for relief;
and

1 3. Defendants shall have their costs of suit.

2 The Clerk is ordered to enter this Judgment.

3 DATED: May 30, 2016

4 

5 _____
6 Percy Anderson
7 UNITED STATES DISTRICT JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28